

4/27/04



**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket No.  
01-014

In Re Application Of: JAY S. WALKER et al.

Serial No.  
09/852,239

Filing Date  
May 9, 2001

Examiner  
BARRON JR., Gilberto

Group Art Unit  
2132

Title:  
**SYSTEMS AND METHODS TO FACILITATE GAMES OF SKILL FOR PRIZES PLAYED VIA A  
COMMUNICATION NETWORK**

**RECEIVED**

TO THE COMMISSIONER FOR PATENTS:

**MAY 17 2004**

Transmitted herewith is:

**OFFICE OF PETITIONS**

**Petition Under 37 C.F.R.(a) (3) to Request Unintentionally Delayed Claim for Priority, 6 pp.; and  
Return Receipt Postcard.**

in the above identified application.

- ☐ No additional fee is required.
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**50-0271**

Signature

Dated: May 12, 2004

**Michael D. Downs  
Attorney for Applicants  
PTO Registration No. 50,252  
Walker Digital, LLC  
203.461.7292/phone  
203.461.7300/fax**

**CUSTOMER NO. 22927**

I certify that this document and fee is being deposited  
May 12, 2004 with the U.S. Postal Service as  
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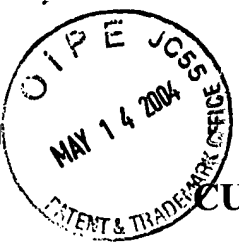
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**Veronika S. Leliever**

Typed or Printed Name of Person Mailing Correspondence

**Mdowns@walkerdigital.com**

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE #7

CUSTOMER NO. 22927

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MAY 17 2004

**OFFICE OF PETITIONS**

**Applicants:** Walker et al.  
**Application No.:** 09/852,239  
**Filed:** May 9, 2001  
**Title:** SYSTEMS AND METHODS TO FACILITATE  
GAMES OF SKILL FOR PRIZES PLAYED VIA A  
COMMUNICATION NETWORK  
**Attorney Docket No.:** 01-014  
**Group Art Unit:** 2132  
**Examiner:** BARRON JR, Gilberto

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.78(a)(3) TO REQUEST  
UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY**

Dear Sir:

Please consider the following petition under 37 C.F.R. § 1.78(a)(3) to claim  
the benefit of a prior-filed co-pending nonprovisional application.

05/17/2004 AWONDAF1 00000023 500271 09852239

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**Claim for Priority to U.S. App. No. 09/298,226**

Applicants respectfully submit this petition to claim the benefit of a prior-filed co-pending nonprovisional application:

U.S. Patent Application No. 09/298,226, entitled "REMOTE-AUDITING OF COMPUTER GENERATED OUTCOMES, AUTHENTICATED BILLING AND ACCESS CONTROL, AND SOFTWARE METERING SYSTEM USING CRYPTOGRAPHIC AND OTHER PROTOCOLS" and filed on April 22, 1999, now abandoned.

**Compliance with 37 C.F.R. 1.78(a)(3)**

Applicants request to be permitted to claim the benefit of prior-filed co-pending nonprovisional applications under 37 C.F.R. 1.78(a)(3), the requirements of which have been met as outlined below.

**Reference submitted**

The reference required under 37 C.F.R. § 1.78(a)(2)(i) was previously submitted in the Amendment filed May 11, 2003. The priority claim in the Specification should now read as follows:

The present application is a continuation-in-part of U.S. Patent Application Serial No. 09/298,226, entitled "REMOTE-AUDITING OF COMPUTER GENERATED OUTCOMES, AUTHENTICATED BILLING AND ACCESS CONTROL, AND SOFTWARE METERING SYSTEM USING CRYPTOGRAPHIC AND OTHER PROTOCOLS" and filed on April 22, 1999, now abandoned; which is a continuation of U.S. Patent Application Serial No. 08/677,544, entitled "REMOTE-AUDITING OF COMPUTER GENERATED OUTCOMES, AUTHENTICATED BILLING AND ACCESS CONTROL, AND SOFTWARE METERING SYSTEM USING CRYPTOGRAPHIC AND OTHER PROTOCOLS" and filed on August 8, 1996, issued on October 19, 1999 as U.S. Patent No. 5,970,143; which is a continuation-in-part of U.S. Patent Application Serial No. 08/561,668, entitled "REMOTE AUDITING OF COMPUTER GENERATED OUTCOMES AND AUTHENTICATED BILLING AND ACCESS CONTROL SYSTEM USING CRYPTOGRAPHIC AND OTHER PROTOCOLS" and filed on November 22, 1995, issued on June 16, 1998 as U.S. Patent No. 5,768,382. The entire contents of these applications are incorporated herein by reference.

The present application (filed May 9, 2001) and the 09/298,226 application (filed April 22, 1999) were co-pending at the time the present application was filed.

In accordance with 37 C.F.R. § 1.78(a)(1), the 09/298,226 application names as an inventor at least one inventor (e.g., Jay Walker) named in the present (later-filed nonprovisional) application. The 09/298,226 application also discloses the

named inventor's invention claimed in at least one claim of the present (later-filed nonprovisional) application in the manner provided by the first paragraph of 35 U.S.C. § 112.

U.S. Patent Application 09/298,226 claims priority to the 09/677,544 and 08/561,668 applications cited in the previous priority claim and incorporated by reference.

The Amendment mailed on May 11, 2004, also removed any other claims to priority. Upon entry of the Amendment, the present application will claim priority only to U.S. Patent Application No. 09/298,226 (and its parent applications), as indicated above.

#### Surcharge

Applicants hereby authorize the fee set forth in § 1.17(t).

Please charge the petition fee of \$1330.00 to our Deposit Account No. 50-0271. Furthermore, please charge any additional fees that may be required for this Petition, or credit any overpayment to Deposit Account No. 50-0271.

#### Statement that Entire Delay Was Unintentional

The entire delay between the date the claim was due under 37 C.F.R. 1.78 paragraph (a)(2)(ii) and the date the claim is being made herein was unintentional.

Applicants filed the present patent application on May 9, 2001 and unintentionally did not claim priority to nonprovisional U.S. Patent Application No. 09/298,226, which was filed prior and was co-pending.

During a review of the file, Applicants noticed an error in the claims of priority on pages 1-2 of the present application. Applicants intended to claim priority to U.S. Patent Application No. 09/298,226, filed on April 22, 1999, which

was pending at the time of filing of the present application. Applicants mistakenly identified only the parent and grandparent of the 09/298,226 application: U.S. Patent Application Nos. 08/677,544 and 08/561,668, respectively. The contents of the 08/677,544 and 08/561,668 applications were incorporated properly by reference in the present application.

It was inadvertent and unintentional error to claim priority only to the parent and grandparent applications of the 09/298,226 application, and the resulting delay in claiming priority to then-pending Application No. 09/298,226 was clearly unintentional.

### Conclusion

Applicants hereby petition to be permitted to claim the benefit of prior-filed co-pending nonprovisional application 09/298,226, which is a continuation of U.S. Patent Application Serial No. 08/677,544, which is a continuation-in-part of U.S. Patent Application Serial No. 08/561,668.


If an extension of time is required please grant a petition for that extension of time which is required to make this Response timely, and please charge any fee for such extension to Deposit Account No. 50-0271.

*A duplicate copy of this authorization is enclosed for such purposes.*

If the Examiner has any questions regarding this amendment or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at [mdowns@walkerdigital.com](mailto:mdowns@walkerdigital.com).

Respectfully submitted,

May 12, 2004  
Date

  
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Michael Downs  
Attorney for Applicants  
Registration No. 50,252  
[mdowns@walkerdigital.com](mailto:mdowns@walkerdigital.com)  
(203) 461-7292 /voice  
(203) 461-7300 /fax